

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re: MICHAEL ANTHONY
FASCINELLA
MICHAEL ANTHONY
FASCINELLA, SR.
ANN MARIE FASCINELLA

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE

CASE NO: 4-20-00095-MJC

Movant

vs.

MICHAEL ANTHONY
FASCINELLA etal.

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

COMES NOW, on December 6, 2022, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: December 6, 2022

Respectfully submitted,

/s/ Agatha R. McHale, Esquire
ID: 47613

Attorney for Movant

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

January 5, 2023 at 10:00 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

AMOUNT DELINQUENT AS OF LAST MONTH: \$5,879.89

AMOUNT DUE FOR THIS MONTH: \$1,641.17

TOTAL AMOUNT DUE BEFORE HEARING DATE: \$7,521.06

NOTE:

ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

If submitting payment by U.S. First Class Mail mail to:

CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008

If submitting payment using TFSBILLPAY.COM please allow 5 business days for payment to be applied.

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Dated: December 6, 2022

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 6, 2022, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties from Hummelstown, PA, unless served electronically.

Served Electronically

ARTHUR D. AGNELLINO, ESQUIRE
123 SOUTH KEYSTONE AVENUE
SAYRE PA 18840-

UNITED STATES TRUSTEE
SUITE 1190
228 WALNUT STREET
HARRISBURG, PA 17101

Served by First Class Mail

MICHAEL ANTHONY FASCINELLA
ANN MARIE FASCINELLA
368 LODER STREET
SAYRE PA 18440

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 6, 2022

/s/ Matt Arcuri

Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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AKA: MICHAEL ANTHONY
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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.